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Attorneys for Defendant ALAMEDA
COUNTY MEDICAL CENTER

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHN HUTCHENS, ZAMORA MOTON,
and Baby S.A., by John F. Hutchens, next
friend,

Plaintiffs,

vs.

ALAMEDA COUNTY MEDICAL CENTER,
and DOES 1-20,

Defendants.

Case No.: 07 CV 5600 SBA
Related case: 06 CV 06870 SBA

**DEFENDANT ALAMEDA COUNTY
MEDICAL CENTER'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION TO DISMISS COMPLAINT**

Date: March 25, 2008
Time: 1:00 p.m.
Dept: Courtroom 3, 3rd floor

Complaint Filed: November 2, 2007

Defendant ALAMEDA COUNTY MEDICAL CENTER (hereafter "ACMC") hereby
requests, pursuant to Rule 201 of the Federal Rules of Evidence, that the court, in ruling on the
ACMC's motion to dismiss, take judicial notice of the following facts:

1. That the Alameda County Medical Center is an independent Public Hospital
Authority created in 1998 by Alameda County Ordinance #0-98-56, pursuant to the authority of
California Health & Safety Code section 101850.

2. That ACMC is governed by its own Board of Trustees, and not by the County of
Alameda Board of Supervisors.

3. That Highland Hospital is an acute care hospital operated by ACMC.

4. That ACMC is a separate public entity from the County of Alameda.

5. Pursuant to Rule 201 of the Federal Rules of Evidence, defendant submits the following information to permit the court to take judicial notice of said facts:

a. A copy of Alameda County Ordinance #0-98-56, attached hereto as part of Exhibit 1.

b. A copy of Chapter 2.120 of Title 2 of the Alameda County Administrative Code, attached hereto as part of Exhibit 1.

c. A copy of the medical license issued to ACMC by the State of California Department of Health Services, attached hereto as part of Exhibit 1.

d. A copy of ACMC's Roster of Public Agencies filing with the California Secretary of State, attached hereto as part of Exhibit 1.

e. A page from the internet website for ACMC, attached hereto as part of Exhibit 1.

6. Plaintiffs JOHN HUTCHENS and ZAMORA MOTON (hereafter “Plaintiffs”) have previously filed suit against the Alameda County Department of Social Services, Alameda County Department of Children and Family Services, and against Mr. Hernandez individually. Original Complaint in *Hutchens, et al. v. County of Alameda, et al.*, United States District Court, Northern District of California, case no. 06-CV-6870 SBA, hereafter “*Hutchens I*”.

7. Although Plaintiffs never served process on ACMC in *Hutchens I*, Plaintiffs asked in *Hutchens I* that the court deem service of process on the County of Alameda as effective service on ACMC. *See, e.g.*, “Motion to Join Alameda County Medical Center as a party to this case,” (Document no. 55), filed on October 9, 2007, in *Hutchens I*; “Ex Parte Application with Proposed Order to Rule on Status Of Alameda County Medical Center and/or Issue New Summons,” (lodged between Document nos. 49 and 50), submitted to the Court on September 17, 2007 in *Hutchens I*; “Motion for Extension of Time for Service of Summons and Complaint Upon Defendant Alameda County Medical Center,” (Document no. 53), filed on October 3, 2007, in

1 *Hutchens I.* The Court did not grant this request. Order (Document 54), filed on October 3, 2007,
2 in *Hutchens I.*

3 8. The Court further ordered that Plaintiffs serve all defendants by October 3, 2007.
4 Order (Document 51), filed on September 19, 2007, in *Hutchens I.*

5 9. Plaintiffs never served ACMC with process, or with a claim. *Hutchens I.*, passim;
6 Complaint, at 4:2-6; "Motion for Extension of Time for Service of Summons and Complaint Upon
7 Defendant Alameda County Medical Center," (Document no. 53), filed on October 3, 2007, in
8 *Hutchens I.*

9
10
11 DATED: February 19, 2008

12 BOORNAZIAN, JENSEN & GARTHE
13 A Professional Corporation

14 By: /s/ Jill Sazama, Esq.
15 JILL P. SAZAMA, ESQ.
16 Attorneys for Defendant
ALAMEDA COUNT MEDICAL
17 CENTER

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Exh. 1.

ORDINANCE NO. 0-98-56

CHAPTER 2.120 OF TITLE 2
ALAMEDA COUNTY ADMINISTRATIVE CODE
As Amended January 27, 1998

THE CREATION OF A COUNTY HOSPITAL AUTHORITY

Approved by: The Alameda County Board of
Supervisors on February 3, 1998

rev. 1/28/98

ORDINANCE NO. _____

**AN ORDINANCE ADDING CHAPTER 2.120 TO TITLE 2 OF THE ALAMEDA
COUNTY ADMINISTRATIVE CODE REGARDING THE CREATION OF A COUNTY
HOSPITAL AUTHORITY**

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Chapter 2.120 of Title 2 of the Alameda County Administrative Code is hereby added to read as follows:

CHAPTER 2.120 - HOSPITAL AUTHORITY

2.120.010	Declaration of Findings.
2.120.020	Creation of the Hospital Authority.
2.120.030	Hospital Authority Status; Governing Laws.
2.120.040	Hospital Authority Healthcare Delivery Structure; Public Hearing.
2.120.050	Mission and Purpose.
2.120.060	Governing Board Composition.
2.120.070	Term of Office.
2.120.080	Duties of the Hospital Authority.
2.120.090	Incremental Transfer of Powers.
2.120.100	Personnel Transition; Benefits.
2.120.110	Bylaws.
2.120.120	Conflicts of Interest.

2.120.010 Declaration of Findings.

The Board of Supervisors of the County of Alameda does hereby find and declare as follows:

- (a) The Alameda County Medical Center presently consists of Highland General Hospital, Fairmont Hospital, the John George Psychiatric Pavilion, the Alameda Health Center, the Eastern Health Center, the Hayward Health Center, the Central Health Center and the Newark Health Center.

- (b) The Alameda County Medical Center provides medical and health services both independently and in conjunction with other components of the public and private health care networks in Alameda County including, but not limited to, the criminal justice system, the County public health, mental health and substance abuse programs, and community hospitals and health centers.
- (c) The County has historically contracted with several community based organizations which provide primary care services for the indigent and special needs populations in Alameda County at privately owned clinic facilities;
- (d) Due to the challenges facing the County of Alameda arising from changes in the public and private health industries, the community services provided by the existing Alameda County Medical Center could be more efficiently, effectively or economically provided by an independent hospital authority than by the County;
- (e) The creation of an independent hospital authority strictly and exclusively dedicated to the management, administration, and control of the Medical Center, in a manner consistent with the county's obligations under Section 17000 of the Welfare and Institutions Code, is the best way to fulfill its commitment to the medically indigent, special needs, and general populations of Alameda County in a manner that constitutes an ongoing material benefit to the county and its residents.
- (f) The Board of Supervisors has the authority to create a hospital authority for these purposes, as set forth in Section 101850 of the Health and Safety Code ("Section 101850").
- (g) That the county medical facilities currently known as the Alameda County Medical Center shall be governed, as set forth herein below, by a hospital authority ("Hospital Authority").
- (h) The Hospital Authority shall operate within the parameters established by Section 101850 and by the Board of Supervisors by way of this ordinance, amendments thereto, if any, formal written agreements and bylaws to be adopted by the Board of Supervisors;
- (i) The Hospital Authority shall be comprised of persons qualified as set forth in the bylaws.

2.120.020 Creation of the Hospital Authority

- (a) Having found it necessary to transfer specific powers and duties associated with the governance, administration, maintenance operation and control of the Medical Center to the Hospital Authority, the Board of Supervisors hereby creates and establishes a hospital authority pursuant to section 101850 of the Health and Safety Code.
- (b) The Hospital Authority created pursuant to this ordinance shall be known as the Alameda County Medical Center. The Board of Trustees of the Hospital Authority may recommend to the Board of Supervisors a change in name and an amendment to the Hospital Authority bylaws reflecting such change in name. A change in the name of the Hospital Authority would become effective upon the bylaws amendment. Any name change must be reported to the appropriate agencies of the State of California and accreditation bodies. Upon adoption of this ordinance the terms "Alameda County Medical Center" or "Medical Center" may be used interchangeably with the terms "Alameda County Hospital Authority" or "Hospital Authority" for the purposes of making reference to the hospital authority being created pursuant to this ordinance.
- (c) The Hospital Authority shall comply with the provisions of section 53051 and register with the Secretary of State as a public agency.
- (d) At all times applicable, the Hospital Authority shall govern and administer the Alameda County Medical Center in a manner consistent with section 101850, this ordinance, the Bylaws of the Hospital Authority and formal written agreements.
- (e) Pursuant to Section 101850(II) and the provisions of this ordinance, the creation and establishment of the Hospital Authority shall not constitute a transfer of governance, maintenance, operation or management of the Alameda County Medical Center without the satisfactory completion of specific tasks, and the execution of documents, agreements and/or contracts as set forth in the Board of Supervisors-approved Hospital Authority Governance Implementation Plan.

2.120.030 Hospital Authority Status; Governing Laws

- (a) The Hospital Authority is hereby designated a legal entity separate and apart from the County of Alameda subject to the limitations and requirements as set forth in Section 101850(j). The Hospital Authority shall not be a division or department of

the County of Alameda, and shall not be an agent of the County except where specifically provided. The obligations or liabilities of the Hospital Authority shall be the obligations or liabilities solely of the Hospital Authority and shall not be the obligations or liabilities of the County of Alameda.

- (b) The Hospital Authority is hereby deemed a public agency for purposes of eligibility with respect to grants and other funding and loan guarantee programs pursuant to Section 101850(gg).
- (c) The provisions of Section 101850 pertaining to the Tort Claims Act, the Myers-Milius-Brown Act, the Public Records Act and the Brown Act shall immediately take effect.

2.120.040 Hospital Authority Healthcare Delivery Structure; Public Hearings

- (a) The medical facilities owned by the County of Alameda and governed, maintained, operated and administered by the Hospital Authority shall consist of Highland General Hospital, Fairmont Hospital, the John George Psychiatric Pavilion, the Alameda Health Center, the Eastern Health Center, the Hayward Health Center, the Central Health Center, the Newark Health Center and the hospital-based clinics located at Highland General Hospital and Fairmont Hospital.

- (b) The Hospital Authority shall provide the Alameda County Board of Supervisors 60 days notice prior to closing a facility, eliminating or reducing the level of medical services provided. Such notice shall include a statement of impact as specified by Alameda County or required pursuant to Health and Safety Code Section 1442.5.

2.120.050 Mission and Purpose.

The Alameda County Medical Center is committed to maintaining and improving the health of all Alameda County residents, regardless of ability to pay.

The Alameda County Medical Center will provide comprehensive, high quality medical treatment, health promotion and health maintenance through an integrated system of hospitals, clinics, and health services staffed by individuals who are responsive to the diverse cultural needs of our community.

The Alameda County Medical Center, as a training institution, is committed to maintaining an environment that is supportive of a wide range of educational programs and activities.

Education, including continuing education, of medical students, residents, nursing and other staff, along with clinical research, are all essential components of our environment.

The purpose of the Alameda County Medical Center is to manage, administer and control the Alameda County Medical Center, a group of public hospitals and ambulatory care clinics, in a manner that assures accessible, cost effective, quality medical care.

2.120.060 Governing Board Composition

The governing body of the Hospital Authority shall be known as the Hospital Authority's Board of Trustees. The membership of the Board of Trustees shall be as appointed by majority vote of the Board of Supervisors pursuant to ordinance. The composition of the Board of Trustees, the qualifications for membership, the manner of appointment and selection, and the manner of removal of members of the Board of Trustees shall be as set forth in the Bylaws of the Hospital Authority.

2.120.070 Term of Office.

A term as Trustee shall be as set forth in the Bylaws of the Hospital Authority.

2.120.080 Duties of Hospital Authority.

The Hospital Authority shall provide direction and oversight for the day-to-day operations of the Alameda County-owned hospitals and clinics as set forth in formal written agreements with the County of Alameda and as set forth in the Bylaws to the extent such duties and responsibilities are consistent with said written agreements and the provisions of Section 101850.

2.120.090 Incremental Transfer of Powers.

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- (a) The transfer of the governance, administration, operations and maintenance of the Alameda County Medical Center shall occur in an incremental manner through a series of coordinated phases. The intent of this phased-in implementation is to coordinate the transfer and to make it as smooth as possible for the patient population and for affected employees, staff, and governing board members.
 - (b) The effective date of transfer of governance shall be the date of execution of the master services contract, county support services contract and the facilities leases

identified in the Implementation Plan and the transfer of the general acute care hospital license.

- (c) The individual phases shall be implemented as set forth in the Hospital Authority Governance Implementation Plan approved by the Board of Supervisors. The Implementation Plan shall provide for: 1. prerequisites to the formal transfer of operations and maintenance of the Medical Center; 2. the formal transfer of the operations and maintenance; 3. the transfer of the personnel. Progress on these phases may occur concurrently except as otherwise provided in the Transition Plan. The formal transfer of operations shall not occur until the prerequisites for such transfer have been substantially completed. The transfer of personnel shall not occur until the formal transfer of governance.
- (d) The County of Alameda may lend the Hospital Authority funds in a manner consistent with applicable law and county policy.
- (e) The Hospital Authority may engage in marketing, advertising, and promotion of the medical and health care services to be made available to the community at the Medical Center.
- (f) The Hospital Authority shall accept the assignment and delegation of all contracts in which the County of Alameda is a party on behalf of the Alameda County Medical Center. Once assigned, the Hospital Authority shall possess those rights and perform the duties previously attributed to the County of Alameda, including the right to terminate the contracts pursuant to the contract terms.

2.120.100 Personnel Transition; Benefits.

- (a) The Board of Supervisors shall adopt a personnel transition plan as set forth in Section 101850(w).
- (b) In the event the Hospital Authority elects to hire personnel in preparation for the ~~transfer of the maintenance, operation, administration and management of the Medical Center~~ prior to the execution of formal written agreements that provides for such transfer, those employees shall be eligible to participate in the County Employees Retirement System pursuant to Section 101850(s) and applicable law.
- (c) A transfer of functions from county employee classifications to the Hospital Authority prior to the transfer of the maintenance, operation, administration and management of the Medical Center, if any, shall result in the recognition of affected

employee organizations pursuant to Section 101850(v) and the operation of the memorandum of understanding that is in effect at that time pursuant to Section 101850(x).

2.120.110 Bylaws.

- (a) The Board of Supervisors shall adopt a set of bylaws for the Hospital Authority that supersedes the existing bylaws of the Medical Center. The bylaws shall become operative upon approval by a majority vote of the Board of Supervisors. Any changes or amendments to the bylaws shall be by majority vote of the Board of Supervisors.
- (b) The bylaws shall provide, in detail, for the operation of the Hospital Authority, and shall contain articles pertaining to, at minimum, the following areas:
 - (1) Structure of the Medical Center;
 - (2) Mission and purposes of the Alameda County Medical Center;
 - (3) Qualifications for membership on the Hospital Authority Board of Trustees;
 - (4) Composition and term of office;
 - (5) Vacancies and removal;
 - (6) Compensation;
 - (7) Conflict of interest;
 - (8) Duties and responsibilities of Board of Trustees members;
 - (9) Powers and duties of the Hospital Authority;
 - (10) Meetings
 - (11) Committees
 - (12) Officers
 - (13) Medical Staff
 - (14) Indemnification
 - (15) Amendment and review of bylaws

2.120.120 Conflicts of Interest.

The Hospital Authority and its officers shall conduct activities in a manner that is in conformity with the laws of the State of California as they pertain to conflicts of interest, including, but not limited to, the following:

(a) Political Reform Act.

The Hospital Authority shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of the Political Reform Act of 1974, and shall be submitted to the Fair Political Practices Authority or other appropriate code reviewing body within six months of the date the Hospital Authority came into existence pursuant to the effective date of this ordinance. Each member of the Hospital Authority governing board is subject to the provisions of the Political Reform Act, and will be required to execute a "statement of economic interests" in a manner consistent with the Act and the Conflict of Interest Code.

(b) Financial Interests Involving Contracts.

Each member of the Hospital Authority governing board shall be subject to the provisions of the California Government Code (§ 1090, et seq.) relating to personal financial interests in contracts made by the Hospital Authority.

(c) Common Law Conflict of Interest.

Each Hospital Authority governing board member and officer shall discharge his or her duties with integrity and fidelity and may not let private interests influence public decisions.

(d) Incompatible Activities.

Hospital Authority members and officers may be subject to the provisions of the California Government Code (§ 1125, et seq.) pertaining to activities for compensation which are incompatible with the duties connected to the Hospital Authority.

SECTION II

Section 2.100.040 of Chapter 2.100 of Title 2 of the Alameda County Administrative Code is amended to read as follows:

2.100.040 General powers and duties.

- (a) Subject to the direction and control of the Board of Supervisors, and to applicable state laws, rules and regulations and local ordinances not inconsistent therewith, the Health Care Services Agency Director ("Director") shall be in charge of and

responsible for the coordination and direction of the public health department, behavioral care department, mental health programs, drug abuse programs, alcoholism programs, and any other programs in the health care field which the Board of Supervisors may in the future assign to the agency. The Director shall have those powers and duties as set forth in the Administrative Code and as otherwise assigned by the Board of Supervisors to the Director.

- (b) The Director shall recommend to the Board of Supervisors contractual agreements with other agencies for the provision of certain special services deemed medically necessary, and for which the County could not reasonably, effectively, or efficiently provide. The Director shall monitor performance under such contracts and advise the Board of Supervisors on matters related thereto.
- (c) The Director may exercise his or her authority through subordinate administrators.
- (d) The Director shall report to the board of supervisors any unusual occurrence or matter which, in his or her judgment, requires remedial or corrective action by the Board of Supervisors.
- (e) The terms of this section shall become operative upon transfer of governance as provided in this chapter.

SECTION III

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage, and before the expiration of fifteen (15) days after its passage, shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the said County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on this
_____ day of _____, by the following called vote:

AYES: Supervisors

NOES: Supervisors

EXCUSED: Supervisors

PRESIDENT OF THE BOARD OF SUPERVISORS.
County of Alameda, State of California

ATTEST: LESLIE BURNS, Acting Clerk
of the Board of Supervisors,
County of Alameda, State of California

By: _____

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Adopted by the Board of Supervisors of the County of Alameda, State of California, on this

3rd day of February, 1998, by the following called vote:

AYES: Supervisors Haggerty, King, Steele and President Carson - 4

NOES: Supervisors None

EXCUSED: Supervisors Chen - 1

Keith Carson

PRESIDENT OF THE BOARD OF SUPERVISORS,
County of Alameda, State of California

ATTEST: LESLIE BURNS, Acting Clerk
of the Board of Supervisors,
County of Alameda, State of California

By: *Leslie J. Burns*

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APPROVED TO FORM
DOUGLAS HICKLING, County Counsel

By: *D. Hickling*

Title 2 ADMINISTRATION

Chapter 2.120 HOSPITAL AUTHORITY

- 2.120.010 Declaration of findings.
- 2.120.020 Creation of the hospital authority.
- 2.120.030 Hospital authority status; governing laws.
- 2.120.040 Hospital authority healthcare delivery structure; public hearings.
- 2.120.050 Mission and purpose.
- 2.120.060 Governing board composition.
- 2.120.070 Term of office.
- 2.120.080 Duties of hospital authority.
- 2.120.090 Incremental transfer of powers.
- 2.120.100 Personnel transition; benefits.
- 2.120.110 Bylaws.
- 2.120.120 Conflicts of interest.

2.120.010 Declaration of findings.

The board of supervisors of the county of Alameda does hereby find and declare as follows:

A. The Alameda County Medical Center presently consists of Highland General Hospital, Fairmont Hospital, the John George Psychiatric Pavilion, the Alameda Health Center, the Eastern Health Center, the Hayward Health Center, the Central Health Center and the Newark Health Center.

B. The Alameda County Medical Center provides medical and health services both independently and in conjunction with other components of the public and private health care networks in Alameda County including, but not limited to, the criminal justice system, the county public health, mental health and substance abuse programs, and community hospitals and health centers.

C. The county has historically contracted with several community-based organizations which provide primary care services for the indigent and special needs populations in Alameda County at privately owned clinic facilities.

D. Due to the challenges facing the county arising from changes in the public and private health industries, the community services provided by the existing Alameda County Medical Center could be more efficiently, effectively or economically provided by an independent hospital authority than by the county.

E. The creation of an independent hospital authority strictly and exclusively dedicated to the management, administration, and control of the medical center, in a manner consistent with the county's obligations under Section 17000 of the Welfare and Institutions Code, is the best way to fulfill its commitment to the medically indigent, special needs, and general populations of Alameda County in a manner that constitutes an ongoing material benefit to the county and its residents.

F. The board of supervisors has the authority to create a hospital authority for these purposes, as set forth in Section 101850 of the Health and Safety Code ("Section 101850").

G. The county medical facilities currently known as the Alameda County Medical Center shall be governed, as set forth herein below, by a hospital authority ("hospital authority").

H. The hospital authority shall operate within the parameters established by Section 101850 and by the board of supervisors by way of this chapter, amendments thereto, if any, formal written agreements and bylaws to be adopted by the board of supervisors.

1. The hospital authority shall be comprised of persons qualified as set forth in the bylaws. (Ord. 98-56 § 1 (part))

2.120.020 Creation of the hospital authority.

A. Having found it necessary to transfer specific powers and duties associated with the governance, administration, maintenance, operation and control of the medical center to the hospital authority, the board of supervisors hereby creates and establishes a hospital authority pursuant to Section 101850 of the Health and Safety Code.

B. The hospital authority created pursuant to this chapter shall be known as the Alameda County Medical Center. The board of trustees of the hospital authority may recommend to the board of supervisors a change in name and an amendment to the hospital authority bylaws reflecting such change in name. A change in the name of the hospital authority would become effective upon the bylaws amendment. Any name change must be reported to the appropriate agencies of the state of California and accreditation bodies. Upon adoption of the ordinance codified in this chapter the terms "Alameda County Medical Center" or "medical center" may be used interchangeably with the terms "Alameda County Hospital Authority" or "hospital authority" for the purposes of making reference to the hospital authority being created pursuant to this chapter.

C. The hospital authority shall comply with the provisions of Section 53051 and register with the Secretary of State as a public agency.

D. At all times applicable, the hospital authority shall govern and administer the Alameda County Medical Center in a manner consistent with Section 101850, this chapter, the bylaws of the hospital authority and formal written agreements.

E. Pursuant to Section 101850(II) and the provisions of this chapter, the creation and establishment of the hospital authority shall not constitute a transfer of governance, maintenance, operation or management of the Alameda County Medical Center without the satisfactory completion of specific tasks, and the execution of documents, agreements and/or contracts as set forth in the board of supervisors-approved hospital authority governance implementation plan. (Ord. 98-56 § 1 (part))

2.120.030 Hospital authority status; governing laws.

A. The hospital authority is hereby designated a legal entity separate and apart from the county subject to the limitations and requirements as set forth in Section 10185(j). The hospital authority shall not be a division or department of the county, and shall not be an agent of the county except where specifically provided. The obligations or liabilities of the hospital authority shall be the obligations or liabilities solely of the hospital authority and shall not be the obligations or liabilities of the county.

B. The hospital authority is hereby deemed a public agency for purposes of eligibility with respect to grants and other funding and loan guarantee programs pursuant to Section 101850(gg).

C. The provisions of Section 101850 pertaining to the Tort Claims Act, the Myers-Millas-Brown Act, the Public Records Act and the Brown Act shall immediately take effect. (Ord. 98-56 § 1 (part))

2.120.040 Hospital authority healthcare delivery structure; public hearings.

A. The medical facilities owned by the county of Alameda and governed, maintained, operated and administered by the hospital authority shall consist of Highland General Hospital, Fairmont Hospital, the John George Psychiatric Pavilion, the Alameda Health Center, the Eastern Health Center, the Hayward Health Center, the Central Health Center, the Newark Health Center and the hospital-based clinics located at Highland General Hospital and Fairmont Hospital.

B. The hospital authority shall provide the Alameda County board of supervisors sixty (60) days' notice prior to closing a facility, eliminating or reducing the level of medical services provided. Such notice shall include a statement of impact as specified by Alameda County or required pursuant to Health and Safety Code Section 1442.5. (Ord. 98-56 § 1 (part))

2.120.050 Mission and purpose.

The Alameda County Medical Center is committed to maintaining and improving the health of all Alameda County residents, regardless of ability to pay.

The Alameda County Medical Center will provide comprehensive, high quality medical treatment, health promotion and health maintenance through an integrated system of hospitals, clinics, and health services staffed by individuals who are responsive to the diverse cultural needs of our community.

The Alameda County Medical Center, as a training institution, is committed to maintaining an environment that is supportive of a wide range of educational programs and activities.

Education, including continuing education, of medical students, residents, nursing and other staff, along with clinical research, are all essential components of our environment.
The purpose of the Alameda County Medical Center is to manage, administer and control the Alameda County Medical Center, a group of public hospitals and ambulatory care clinics, in a manner that assures accessible, cost effective, quality medical care. (Ord. 98-56 § 1 (part))

2.120.060 Governing board composition.

The governing body of the hospital authority shall be known as the hospital authority's board of trustees. The membership of the board of trustees shall be as appointed by majority vote of the board of supervisors pursuant to ordinance. The composition of the board of trustees, the qualifications for membership, the manner of appointment and selection, and the manner of removal of members of the board of trustees shall be as set forth in the bylaws of the hospital authority. (Ord. 98-56 § 1 (part))

2.120.070 Term of office.

A term as trustee shall be as set forth in the bylaws of the hospital authority. (Ord. 98-56 § 1 (part))

2.120.080 Duties of hospital authority.

The hospital authority shall provide direction and oversight for the day-to-day operations of the Alameda County-owned hospitals and clinics as set forth in formal written agreements with the county of Alameda and as set forth in the bylaws to the extent such duties and responsibilities are consistent with said written agreements and the provisions of Section 101850. (Ord. 98-56 § 1 (part))

2.120.090 Incremental transfer of powers.

A. The transfer of the governance, administration, operations and maintenance of the Alameda County Medical Center shall occur in an incremental manner through a series of coordinated phases. The intent of this phased-in implementation is to coordinate the transfer and to make it as smooth as possible for the patient population and for affected employees, staff, and governing board members.

B. The effective date of transfer of governance shall be the date of execution of the master services contract, county support services contract and the facilities leases identified in the implementation plan and the transfer of the general acute care hospital license.

C. The individual phases shall be implemented as set forth in the hospital authority governance implementation plan approved by the board of supervisors. The implementation plan shall provide for: (1) prerequisites to the formal transfer of operations and maintenance of the medical center; (2) the formal transfer of the operations and maintenance; (3) the transfer of the personnel. Progress on these phases may occur concurrently except as otherwise provided in the transition plan. The formal transfer of operations shall not occur until the prerequisites for such transfer have been substantially completed. The transfer of personnel shall not occur until the formal transfer of governance.

D. The county may lend the hospital authority funds in a manner consistent with applicable law and county policy.

E. The hospital authority may engage in marketing, advertising, and promotion of the medical and health care services to be made available to the community at the medical center.

F. The hospital authority shall accept the assignment and delegation of all contracts in which the county of Alameda is a party on behalf of the Alameda County Medical Center. Once assigned, the hospital authority shall possess those rights and perform the duties previously attributed to the county of Alameda, including the right to terminate the contracts pursuant to the contract terms. (Ord. 98-56 § 1 (part))

2.120.100 Personnel transition; benefits.

A. The board of supervisors shall adopt a personnel transition plan as set forth in Section 101850(w).

B. In the event the hospital authority elects to hire personnel in preparation for the transfer of the maintenance, operation, administration and management of the medical center prior to the execution of formal written agreements that provides for such transfer, those employees shall be eligible to participate in the County Employees Retirement System pursuant to Section 101850(s) and applicable law.

C. A transfer of functions from county employee classifications to the hospital authority prior to the transfer of the maintenance, operation, administration and management of the medical center, if any, shall result in the

recognition of affected employee organizations pursuant to Section 101850(v) and the operation of the memorandum of understanding then in effect at that time pursuant to Section 101850(x). (Ord. 98-56 § 1 (part))

2.120.110 Bylaws.

A. The board of supervisors shall adopt a set of bylaws for the hospital authority that supersedes the existing bylaws of the medical center. The bylaws shall become operative upon approval by a majority vote of the board of supervisors. Any changes or amendments to the bylaws shall be by majority vote of the board of supervisors.

B. The bylaws shall provide, in detail, for the operation of the hospital authority, and shall contain articles pertaining to, at minimum, the following areas:

1. Structure of the medical center;
2. Mission and purposes of the Alameda County Medical Center;
3. Qualifications for membership on the hospital authority board of trustees;
4. Composition and term of office;
5. Vacancies and removal;
6. Compensation;
7. Conflict of interest;
8. Duties and responsibilities of board of trustees members;
9. Powers and duties of the hospital authority;
10. Meetings;
11. Committees;
12. Officers;
13. Medical staff;
14. Indemnification;
15. Amendment and review of bylaws. (Ord. 98-56 § 1 (part))

2.120.120 Conflicts of interest.

The hospital authority and its officers shall conduct activities in a manner that is in conformity with the laws of the state of California as they pertain to conflicts of interest, including, but not limited to, the following:

A. Political Reform Act. The hospital authority shall adopt and promulgate a conflict of interest code pursuant to the provisions of the Political Reform Act of 1974, and shall be submitted to the Fair Political Practices Authority or other appropriate code reviewing body within six months of the date the hospital authority came into existence pursuant to the effective date of the ordinance codified in this chapter. Each member of the hospital authority governing board is subject to the provisions of the Political Reform Act, and will be required to execute a "statement of economic interests" in a manner consistent with the Act and the conflict of interest code.

B. Financial Interests Involving Contracts. Each member of the hospital authority governing board shall be subject to the provisions of the California Government Code (Section 1090, et seq.) relating to personal financial interests in contracts made by the hospital authority.

C. Common Law Conflict of Interest. Each hospital authority governing board member and officer shall discharge his or her duties with integrity and fidelity and may not let private interests influence public decisions.

D. Incompatible Activities. Hospital authority members and officers may be subject to the provisions of the California Government Code (Section 1125, et seq.) pertaining to activities for compensation which are incompatible with the duties connected to the hospital authority. (Ord. 98-56 § 1 (part))

<< previous | next >>

License: 140000040
Effective: 07/01/2007
Expires: 06/30/2008
Licensed Capacity: 475

State of California
Department of Health Services

In accordance with applicable provisions of the Health and Safety Code of California and its rules and regulations, the Department of Health Services hereby issues

this License to

Alameda County Medical Center

to operate and maintain the following **General Acute Care Hospital**

ALAMEDA COUNTY MEDICAL CENTER

1411 EAST 31ST ST.
OAKLAND, CA 94602

FAIRMONT CAMPUS

15400 FOOTHILL BLVD.
SAN LEANDRO, CA 94578

Bed Classifications/Services

236 General Acute Care
20 Intensive Care
17 Perinatal Services
6 Intensive Care Newborn Nursery
191 Unspecified General Acute Care

Other Approved Services

Basic Emergency
Dental Services
Mobile Unit - MRI
Nuclear Medicine
Occupational Therapy
Outpatient Services
Physical Therapy
Respiratory Care Services
Social Services

(Additional Information Listed on License Addendum)

Sandra Shewry
DIRECTOR

Julieta L. Ramirez

(AUTHORIZED REP.)

Refer Complaints regarding these facilities to: The California Department of Health Services, Licensing and Certification, East Bay District Office, 850 Marina Bay Parkway, Building P, 1st Floor, Richmond, CA 948046403, (510)628-3900

POST IN A PROMINENT PLACE



State of California Secretary of State

STATEMENT OF FACTS ROSTER OF PUBLIC AGENCIES FILING (Government Code Section 53051)

FILED
In the office of the Secretary of State
of the State of California

MAY 01 2006

(Office Use Only)

Instructions.

1. Complete and mail to: Secretary of State,
P.O. Box 942877, Sacramento, CA 94277-0001 (916) 653-3984
2. A street address must be given as the official mailing address or as
the address of the presiding officer.
3. Complete addresses as required.
4. If you need additional space, please include information on an 8 1/2 X 11 page.

New Filing ☐

Update ☒

Legal name of Public Agency: ALAMEDA COUNTY MEDICAL CENTER

Nature of Update: OFFICER CHANGE OF OFFICERS: NEW MEMBER: TWO MEMBERS RESIGNED

County: ALAMEDA

Official Mailing Address: 1411 E. 31ST STREET, OAKLAND, CA 94602

Name and Address of each member of the governing board:

Chairman, President or other Presiding Officer (Indicate Title): PRESIDENT

Name: J. BENNETT TATE Address: 6216 THORNHILL DR., OAKLAND CA 94611

Secretary or Clerk (Indicate Title): CLERK OF THE BOARD

Name: BARBARA MILLER-ELEGBEDE Address: 1411 E. 31ST STREET, OAKLAND 94602

Members:

Name: J. BENNETT TATE

Address: 6216 THORNHILL DR., OAKLAND 94611

Name: STANLEY SCHIFFMAN

Address: 120 NORWICH RD., ALAMEDA, CA 94611

Name: DANIEL BOCCAN, JR.

Address: 1969 BYWOOD DRIVE, OAKLAND, CA 94602

Name: FLOYD HUEN, MD

Address: 2181 BRAEMER RD., OAKLAND, CA 94602

Name: ILENE WEINREB

Address: 65 HILLER DR., OAKLAND, CA 94613

Date: APRIL 27, 2006

Barbara Miller-Elegbede
Signature BARBARA MILLER-ELEGBEDE
CLERK OF THE BOARD

Typed Name and Title

ALAMEDA COUNTY MEDICAL CENTER

05/01/06

pg 2 of 2

STATEMENT OF FACTS
ROSTER OF PUBLIC AGENCIES
(ADDITIONAL MEMBERS)

NAME	ADDRESS
JOE PHAN	3598 YELLOWSTONE COURT, PLEASANTON, CA 94588
BARBARA PRICE	1047 TAPITI LANE, ALAMEDA, CA 94532
RICHARD WARREN	42718 WEIGAND COURT, FREMONT, CA 94539
RON NELSON	1460 LINCOLN STREET, BERKELEY, CA 94702
DR. THEODORE ROSE	6025 LASALLE AVENUE, OAKLAND, CA 94611



**State of California
Department of Health Services
License Addendum**

License: 140000046
Effective: 07/01/2007
Expires: 06/30/2008
Licensed Capacity: 475

FAIRMONT CAMPUS
15400 FOOTHILL BLVD.
SAN LEANDRO, CA 94578

Bed Classifications/Services
50 General Acute Care
50 Rehabilitation Center

Other Approved Services

Audiology
Dental Services
Occupational Therapy
Outpatient Services
Physical Therapy
Social Services
Speech Pathology

JOHN GEORGE PAVILION/HIGHLAND D/P APH
2060 FAIRMONT DRIVE
SAN LEANDRO, CA 94578

Bed Classifications/Services
80 Acute Psychiatric

ALAMEDA COUNTY MEDICAL CENTER D/P SNF
15400 FOOTHILL BOULEVARD
SAN LEANDRO, CA 94578

Bed Classifications/Services
109 Skilled Nursing

This LICENSE is not transferable and is granted solely upon the following conditions, limitations and comments:

Consolidated license

MRI in Building K

SNF beds located in areas B1,B2,B3,B4

URGENT CARE CENTER

Refer Complaints regarding these facilities to: The California Department of Health Services, Licensing and Certification, East Bay District Office, 850 Marina Bay Parkway, Building P, 1st Floor Richmond, CA 948046403, (510)820-3900

PROOF OF SERVICE BY ELECTRONIC SERVICE

I, the undersigned, declare as follows:

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 12th Street, Suite 1800, P. O. Box 12925, Oakland, California 94604-2925.


On the date indicated below, at the above-referenced business location, I served the **ALAMEDA COUNTY MEDICAL CENTER'S NOTICE OF MOTION AND MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6); MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SAME, REQUEST FOR JUDICIAL NOTICE, EXHIBIT 1, AND [PROPOSED] ORDER** on the below-named party and caused said document to be transmitted using ECF as specified by General Order No. 45 to the following party:

Frances S. Kaminer, Esq.
Walter K. Pyle, Esq.
LAW OFFICES OF WALTER K. PYLE
2039 Shattuck Avenue, Suite 202
Berkeley, CA 94704
Telephone: 510-849-4424

Attorneys for Plaintiffs
JOHN F. HUTCHENS, SAMORA MOTON,
and BABY S.A., by John F. Hutchens

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California, on February 19, 2008.


Carmen Kalt

24981\421502

ALAMEDA COUNTY MEDICAL CENTER'S NOTICE OF MOTION AND MOTION TO DISMISS ALL CAUSES OF ACTION IN THE COMPLAINT PURSUANT TO FED. R. CIV. P. 12(B)(6); MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF
Case no. 07 CV 5600 SBA